

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 19, 2008
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Item I. Minutes of Regular Meeting of February 4, 2008, and Item IV. B. Non-Resident Patron Card Policy Braemar Golf Course.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

MINUTES OF THE FEBRUARY 4, 2008 REGULAR MEETING APPROVED Member Masica made a motion seconded by Member Swenson to approve the minutes of the regular February 4, 2008, Council meeting with condition #8 at the top of page four amended to read as follows:

"8. Businesses with a principal entrance on the south elevation of Building C shall be identified only with a single faced projecting sign with the sign panel facing west and with a blank face on the east side."

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF FEBRUARY 4, 2008, WORK SESSION APPROVED** Motion made by Member Bennett and seconded by Member Masica approving the Minutes of the February 4, 2008, Work Session.

Motion carried on rollcall vote – five ayes.

FIRST READING GRANTED - ORDINANCE NO. 2008-3 AN ORDINANCE AMENDING SECTION 815 OF EDINA CITY CODE TO ALLOW CELL TOWERS IN CEMETERIES Affidavits of Notice presented and ordered placed on file.

Planning Director Teague explained Sprint Spectrum would like to build a 70-foot tall cellular antenna tower at the Adath Cemetery at 5606 France Avenue. Edina's existing ordinances do not allow cellular antennas or towers within cemeteries. Sprint has therefore, requested an ordinance amendment to allow cell towers within cemeteries.

Mr. Teague said the City's current ordinance does allow cellular antenna towers within the R-1 zoning district on properties that were conditionally permitted uses, publicly owned, or golf courses. He noted the Adath Cemetery was zoned R-1, and added cemeteries were not regulated.

Mr. Teague said in most cities, cemeteries were conditionally permitted uses within single-family districts. However, the Edina zoning ordinance does not mention cemeteries at all; therefore, the City's two cemeteries have been considered legal existing non-conforming uses. He said the second cemetery was the Grand View Park Cemetery located on Maloney Avenue.

Mr. Teague said cemeteries have similar lot sizes and use as those uses where cellular antennas/towers were a permitted use such as; religious institution properties including churches,

synagogues, chapels and temples, school property, public parks and publicly owned property, libraries, golf courses, day care facilities, and pre-schools and nursery schools. Also, cemeteries have enough property to allow for required setbacks from residentially zoned property. In this case the closest home would setback 425 feet. In conclusion, Mr. Teague said it was most likely an oversight not to address cell towers in cemeteries in the current regulations.

The Council discussed the proposed amendment with staff. Their discussion included: proposed lighting design, constraints upon cities under Federal Law regulating communications, screening of ground equipment supporting the tower, and the number of towers already in existence within the City.

Mayor Hovland called for public comment. No one appeared to comment.

Member Swenson made a motion seconded by Member Housh to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Housh made a motion to grant First Reading to Ordinance No. 2008-3, amending Section 815 of Edina City Code to allow cell towers in cemeteries. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO 2008-22 ADOPTED APPROVING 2008 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - RESOLUTION NO. 2008-22

Affidavits of Notice presented and ordered placed on file.

Associate Planner Repya stated HUD was continuing to fund the Community Development Block Grant (CDBG) in 2008 with an allocation of \$158,956, a \$7,546 reductions from the 2007 funding. She added the Human Rights and Relations Commission has reviewed and made recommendations to the human services portion of the budget.

Ms. Repya said funding for public services may not exceed fifteen percent of the total CDBG budget. In 2008 Edina's public services may not exceed \$23,843. She noted requests for funding for the public services portion of the budget were received from the following organizations:

- Jewish Vocational Service (JVS) providing daycare subsidies to income eligible families;
- Senior Community Services (H.O.M.E. - Housing and Outdoor Maintenance for the Elderly) - providing housekeeping and chore services to Edina seniors who pay for services on a sliding fee scale;
- Community Action Partnership for Suburban Hennepin (CAPSH) - providing housing programs for low and moderate income homeowners and homebuyers;
- HOME Line - providing tenant advocacy services for Edina renters; and
- School Readiness - providing scholarships and transportation assistance for its preschool program.

Ms. Repya explained that after the \$23,843 distribution for public services, \$135,113 remains to be directed toward community development projects. She added staff recommended directing \$53,113 of the funds to the Rehabilitation of Private Property program which provides deferred repayment loans of up to \$30,000 to make structural improvements to owner occupied single-family homes. Ms. Repya stated eligibility for the program was based on a household income schedule established by HUD for the Minneapolis/St. Paul area. The income limits may not exceed 80% of the median household income. Since 2000, CDBG funds have assisted 22 homeowners to make structural

improvements to their homes. Staff anticipated that the program will continue to attract income eligible homeowners interested in improving and maintaining their homes.

Ms. Repya explained West Hennepin Affordable Housing Land Trust (WHAHLT) was requesting \$82,000 for their Homes Within Reach program to provide an affordable homeownership opportunity using the Community Land Trust model for one homebuyer. She noted the Community Land Trust model removed the market value of the land from the mortgage equation, which reduced the cost of a home for a work-force family by approximately 35-42 percent, making it more affordable than houses on the open real estate market. WHAHLT owns the land and the homeowner owns the home. A Ground Lease signed by both parties defines and secures the roles and responsibilities of both WHAHLT and the homeowner, including, but not limited to a resale/recapture provision, and long-term rights and use of the land. She said in 2007, WHAHLT successfully purchased, rehabilitated, and sold two of the three land trust homes they had targeted with the outstanding \$245,481 Scattered Site Affordable Housing Funds that had been reprogrammed for WHAHLT's use last spring. Ms. Repya added work on the third home was currently underway. She said WHAHLT's requested \$82,000 in 2008 would provide the opportunity for a fourth community land trust home in Edina.

Ms. Repya outlined the recommended proposed budget as follows:

<u>Activity</u>	<u>Proposed 2008 Budget</u>
JVS- Daycare Subsidy	\$2,720
H.O.M.E. - Sr. Comm. Services	\$9,179
CAPSH	\$3,462
School Readiness	\$7,494
HOME Line	\$988
Rehabilitation of Private Property	\$53,113
WHAHLT	\$82,000
TOTAL	<hr/> \$158,956

The City Council discussed with staff and service providers the 2008 proposed Community Block Grant Program.

Marcy Harris, Community Access Partnership Suburban Hennepin, answered Council questions and thanked the Council for their support.

Beth Kodluboy, Homeline Director also answered Council, questions and thanked the City for its support.

Mary Streier, Edina School Readiness Coordinator, answered the Council's questions about the proposed use of the CDBG Funding.

Mayor Hovland called for public comment. No one appeared to comment.

Member Housh made a motion and seconded by Member Swenson to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion to adopt Resolution No. 2008-22 approving the 2008 Urban Hennepin County Community Block Grant Program as presented. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

PUBLIC HEARING -AMENDMENT TO 2008-2012 CAPITAL IMPROVEMENT PLAN - PUBLIC WORKS FACILITY Affidavits of Notice presented and ordered placed on file.

The Council held a discussion as to whether or not the sale of public land should be considered before moving into the public hearing.

Manager Hughes said the staff was presenting an amendment to the 2008-2012 Capital Improvement Plan (CIP) to revise the estimates for the relocation of the Public Works Facility. He said the current CIP budget allocated \$10,000,000 for the project, however the new estimate was \$14,000,000 which included acquisition of the Con Agra site and renovation of the existing factory/warehouse building. He reminded the Council that in late 2007, staff located a potential new site for the Public Facility after several years of study. Mr. Hughes said the Con Agra facility at Metro Boulevard and 74th was available. If authorized the City would enter into an agreement with Opus Corporation to acquire that facility and sell the current Public Works site for redevelopment.

Jessica Cook of Ehlers & Associates, Inc, 3060 Centre Pointe Drive, Roseville, outlined the action necessary to amend the CIP. Ms. Cook explained the 2003 legislature adopted a statute which would exempt municipal bonds issued under a capital improvement program from the referendum requirement for general obligation bonds usually necessary for city hall, public works, and public safety facilities. Ms. Cook outlined the parameters within which a city may use the statutory authority to sell bonds to finance their facility improvements. She noted that citizens could within 30 days of the hearing submit a petition with signatures equal to five percent of those persons voting in the municipality in the last general election requesting a vote on the issuance of the bonds. If such a petition were to be received, bonds could not be sold until an election was held and the issue approved by the voters.

Mr. Hughes said the proposed timeline for the project would be: Edina Planning Commission hears the issue February 27, 2008, Edina City Council hears the issue on March 18, 2008; if approved the issue goes back to the Planning Commission on April 30, 2008, and then would be before the City Council again on May 20, 2008. He said that while these reviews of the preliminary and final development plans, guide plan amendments and re-zonings were underway, detailed plans of the facility would be developed, the call could be issued for the bond sale and the TIF District established. Mr. Hughes and Ms. Cook answered questions of the Council regarding the process of amending the CIP.

Mayor Hovland opened the public hearing.

Public Comment

Kim Montgomery, 5300 Evanswood Lane, requested the Council consider building a Community Center on the existing Public Works site.

Virginia Kearney, 4226 Grimes Avenue, expressed concern over the loss of public land. Ms. Kearney inquired why the City did not deal directly with the owner of the property and not involve Opus.

Ted Volk, 6301 Belmore Lane, said he wanted additional community involvement and expressed concern over the process. He said he had established a website: forum.edina.mn.us where persons may express themselves.

Motion made by Member Masica and seconded by Member Swenson to close the public hearing.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Council discussed in detail the proposed acquisition, construction and equipping of a public works facility. Their discussion included: why did the City not obtain the option on the Con Agra site, the basis for the existing public works facility's value and who appraised the site, future commercial use of existing public works site, factors that were driving the increase needed for the CIP, what a "reverse referendum" would entail, and whether or not the project should be coupled with Opus as re-developer of existing Public Works site.

Member Housh made a motion to adopt Resolution No. 2008-24 amending the 2008-2012 Capital Improvement Plan authorizing the issuance of general obligation bonds to finance the acquisition, construction and equipping of a public works and park maintenance facility. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Nay: Bennett.

Motion carried.

PUBLIC COMMENT

David Pearson, 4513 Browndale Avenue, stated he was a member of a group of residents that opposed the traffic calming measures in the Country Club Street Reconstruction Projects. He said a resident has a website to conduct a survey. Mr. Pearson asked that the traffic calming measure be separated in the bidding process of the project.

Ruth Melcher, 4624 Bruce Avenue, stated she believed a small handful of vocal people were pushing for traffic calming. Ms. Melcher expressed concern about traffic re-distribution if the project were constructed as proposed.

Kyle Simmons, 5038 Bruce Place, said he was the person who designed the survey. Mr. Simmons said he had a degree in applied statistics and reviewed his preliminary survey results.

Spud Carpenter, 4356 Oakdale Avenue, said he believed a small number of people were pushing the Country Club traffic calming. He said he didn't believe traffic calming measures were necessary. He asked that the traffic calming measures be extracted from the Country Club improvement and asked when the bids would be opened.

Robert Ramsay, 4507 Edina Boulevard, expressed his concern that the proposed traffic calming would significantly impact residents and asked the project be amended to not include the traffic calming.

Donald Nygaard, 4513 Moorland Avenue, urged caution in expenditure of money on traffic measures. He stated he did not want traffic calming and asked the Council to seek the survey results.

Robert De Brey, 4502 Browndale Avenue, said he doubted any resident wanted the proposed traffic calming devices installed in Country Club. He objected to the proposed signage and intersection alignment.

Bruce Christensen, 4515 Browndale Avenue urged the Council to use clear thinking relative to the County Club improvement. He said the wishes of the neighborhood were that traffic is not a problem. He said the traffic survey could be found at www.speedhumps.net to view the survey.

Kevin Green, 4903 Sunnyside Avenue, stated he thought the common thread of the neighbors want to make informed decisions. He urged the Council to hear the facts and view the data.

FIRST READING GRANTED ORDINANCE NO. 2008-02 AMENDING SECTION 1100 REGARDING SEWER AND WATER CONNECTIONS Engineer Houle using a PowerPoint presentation reviewed the proposed amendment to Edina Code Section 1100. He outlined the definitions, gave the history, and current code language along with the meaning of the amendment to property owners. Mr. Houle reviewed the reasons for the proposed changes and noted the impact of the changes. Mr. Houle explained that currently only one sewer and water connection was charged per commercial building but with the proposed changes commercial buildings would be charged for the same number of Edina water and sewer connections as determined by Metropolitan Council Environment Services. This would equate to increased funding of infrastructure that Edina needs to accommodate the larger users. Mr. Houle reviewed a comparison of charges with six cities.

The Council asked questions of staff and discussed the issue. Concern was expressed over including multifamily residential housing along with commercial and industrial users.

Following discussion, **Member Swenson made a motion to grant first reading to Ordinance No. 2008-02 amending Section 1100 of Edina City Code regarding sewer and water connections with an addition to Section 5 adding “multi unit residential housing” so the second sentence would read “The number of Sewer Availability Charge (SAC) units determined by the Metropolitan Council Environmental Services will be used to determine the number of REC units for various multi unit residential housing, public, commercial, industrial, and institutional facilities.”** Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

NON-RESIDENT PATRON CARD POLICY BRAEMAR GOLF COURSE APPROVED Park Director Keprios explained the Park Board had unanimously recommended the City Council consider the Braemar Golf Course Manager’s proposed to permit the sale of a non-resident patron card for persons who work full time in Edina. The non-resident patron card would be sold at a rate higher than the resident patron card and it was hoped would create an incentive to fill open tees times at the golf course while not diminishing the value of resident patron cards.

Following discussion, **Member Bennett made a motion approving the Non-resident Patron Card Policy for Braemar Golf Course.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

***TECHNICAL CORRECTION OF DECEMBER 18, 2007, CITY COUNCIL MINUTES** Motion made by Member Bennett and seconded by Member Masica approving a correction of the December 18, 2007, noting Mary Brindle was an Edina School District appointee and therefore, should not have been included in the list of City Council reappointments.

Motion carried on rollcall vote – five ayes.

NOVEMBER 6, 2006, CITY COUNCIL MINUTES CORRECTED Mr. Hughes noted the Council had directed staff review the City Council packet and video of the November 6, 2006, City Council meeting. He noted that a transcription of the meeting and suggested correction had been included for Council’s consideration.

Following discussion, **Member Swenson made a motion correcting the November 6, 2006, City Council to read: “~~Member Swenson introduced Resolution No. 2006-106 adopting the Northeast Edina Transportation Study as presented.~~ Member Swenson made a motion adopting the North East Edina Traffic Study Report and study recommendations of the Transportation Commission; and adopting the concept master plan for residential safety improvements; and at a subsequent date make**

a determination as to the funding sources that would be used to implement the recommendations in the report and the concept master plan for residential safety improvements ~~the Northeast Edina Transportation Study as presented.~~ Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

***RESOLUTION NO. 2008-21 SETTING HEARING DATE OF MARCH 3, 2008 BA-343 RICHMOND HILLS 2ND ADDITION NEIGHBORHOOD AREA SEWER, WATER AND STREET RECONSTRUCTION** Motion made by Member Bennett and seconded by Member Masica approving Resolution No. 2008-21 setting a hearing date of March 3, 2008, for Improvement Project BA-343, Richmond Hills 2nd Addition Neighborhood Area Sewer, Water and Street, Reconstruction.

Motion carried on rollcall vote – five ayes.

***CONNECTING WITH KIDS FUNDING AUTHORIZED** Motion made by Member Bennett and seconded by Member Masica authorizing \$5,000 from the City's contingency fund for Connecting with Kids funding.

Motion carried on rollcall vote – five ayes.

***TRAFFIC SAFETY REPORT OF FEBRUARY 6, 2008 APPROVED** Motion made by Member Bennett and seconded by Member Masica adopting the Traffic Safety Report of February 6, 2008.

Motion carried on rollcall vote – five ayes.

***ANNUAL APPOINTMENT OF WEED INSPECTOR** Motion made by Member Bennett and seconded by Member Masica approving the annual appointment of Vince Cockriel as Assistant Weed Inspector for calendar year 2008.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2008-20 APPROVED, ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Swenson introduced Resolution No. 2008-20 accepting various donations. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

STUDENTS RE-APPOINTED TO BOARDS & COMMISSIONS Mr. Hughes explained that the student representatives from the Art Center Board, Community Health Committee, Heritage Preservation Board, Park Board and Planning Commission had responded that they would be willing to serve through the summer. He suggested the Council consider reappointing these students for terms ending September 1, 2008, noting that he would work with Edina High School Principle Bruce Locklear to solicit student applicants during the spring of 2008 for consideration and appointment by the Council with new student appointees beginning their terms in the fall.

Following discussion, **Member Masica made a motion, seconded by Member Bennett to re-appoint the following students to their respective boards for a term ending September 1, 2008:**

**Daniel Schroeder, Art Center Board
Marshall Everson, Community Health
Committee**

**Sara Rubin, Heritage Preservation Board
Carolyn Nelson, Park Board
Katie Sierks, Planning Commission**

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

COMMERCIAL AREA LAND USE PLANS DISPOSITION DISCUSSED Mr. Hughes noted, at the last meeting, the Council discussed the possibility of invalidating various commercial area land use plans – specifically plans for 44th and France, Valley View and Wooddale and 70th and Cahill. These plans were prepared in 1990 in conjunction with the establishment of a development district and TIF districts comprising these three commercial areas. Following the establishment of the development district and TIF districts, the land use plans for each area were incorporated by reference into the City's comprehensive plan. He said he had requested at the February 4, 2008, meeting, that the matter be continued for two weeks to allow staff an opportunity to review the process to be followed if the Council wished to proceed with this consideration,

Mr. Hughes reported that based upon his consultation with the City Attorney, an amendment to the comprehensive plan would be required to remove the reference to the commercial area plans. Under State law, amendments to the comprehensive plan must be acted on by the Planning Commission following a public hearing by the Commission. The Commission's recommendation would then be forwarded to the City Council for its consideration. The Council need not hold a separate hearing on the matter. Following approval by the Council, the amendment would then be forwarded to the Metropolitan Council for review. He suggested if the Council wished to proceed with this matter, it should direct the Planning Commission to hold a public hearing and consider amending the comprehensive plan by deleting any reference to the previously described commercial area plans.

The Council discussed the matter and consensus was that no formal action was necessary at the present time.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Masica approving payment of the following claims as shown in detail on the Check Register dated February 7, 2008, and consisting of 29 pages; General Fund \$352,423.52; Communications Fund \$14,323.84; Working Capital Fund \$72,872.07; Construction Fund \$437.78; Art Center Fund \$1,671.16; Golf Dome Fund \$2,199.23; Aquatic Center Fund \$618.59; Golf Course Fund \$3,352.90; Ice Arena Fund \$21,613.36; Edinborough/Centennial Lakes Fund \$23,916.74; Liquor Fund \$50,023.51; Utility Fund \$83,378.67; Storm Sewer Fund \$10,159.50; PSTF Agency Fund \$6,625.77; **TOTAL \$643,616.64**; and for approval of payment of claims dated February 14, 2008, and consisting of 31 pages: General Fund \$157,223.48; CDBG Fund \$81,827.00; Communications Fund \$3,507.59; Working Capital Fund \$53,806.92; Art Center Fund \$674.49; Golf Dome Fund \$11,282.28; Aquatic Center Fund \$228.70; Golf Course Fund \$123,489.12; Ice Arena Fund \$37,257.92; Edinborough/Centennial Lakes Fund \$21,595.63; Liquor Fund \$237,190.02; Utility Fund \$381,383.16; Storm Sewer Fund \$8,635.15; Recycling Fund \$35,380.00; PSTF Agency Fund \$2,891.54; **TOTAL \$1,156,373.00**; and for December 27, 2007 – January 25, 2008 Credit Card Transactions consisting of one page: **Total \$6,344.21**.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:15 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk